

YODER, AINLAY, ULMER & BUCKINGHAM

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1907-1963

September 27, 1990

Ms. Debbie Fript
U.S. E.P.A. - Region V
Emergency Support Section 5HS-12
230 South Dearborn Street
Chicago, IL 60604

RE: Himco Landfill Elkhart, Indiana
General Notice of Potential Liability

Dear Ms. Fript:

This firm represents Bower Manufacturing Corp. of Goshen, Indiana. Bower has referred to us the letter dated September 4, 1990, from the United States Environmental Protection Agency concerning the Himco Landfill. After reviewing this matter with our client, it would appear to us that the general notice of potential liability should not have been sent to our client.

Bower Manufacturing Corp. was incorporated on July 25, 1985. It is our understanding that the landfill in question was closed sometime during the mid 1970s. Therefore, Bower Manufacturing Corp. could not have generated any hazardous substances which were shipped to the Himco site. I am enclosing a copy of the first page of the Articles of Incorporation of Bower Manufacturing Corp. showing the date of filing with and approval by the Secretary of State.

Sincerely yours,

YODER, AINLAY, ULMER & BUCKINGHAM

George E. Buckingham
George E. Buckingham

MFD/djf
cc: William P. Johnson

ARTICLES OF INCORPORATION

OF

BOWER MANUFACTURING CORP.

APPROVED
AND
FILED
JUL 25 1985
Edwin J. Simon
SECRETARY OF STATE IN INDIANA

The undersigned Incorporator, desiring to form a corporation (hereinafter referred to as the "Corporation") pursuant to the provisions of the Indiana General Corporation Act, as amended (hereinafter referred to as the "Act"), executes the following Articles of Incorporation.

ARTICLE I

NAME

The name of the Corporation is BOWER MANUFACTURING CORP.

ARTICLE II

PURPOSES

The purposes for which the Corporation is formed are:

1. To develop, create, manufacture, produce, assemble, sell at wholesale or retail, and deal in merchandise and other products, including but not limited to all kinds and types of rubber, molded rubber and rubber products, whether natural or synthetic, and all substitutes for rubber, and materials relating to the manufacture thereof. To engage in the printing of numbers and information on manufactured products, including without limitation the printing of serial numbers on rubber products. To engage in all types and kinds of manufacturing, including without limitation the manufacture of toy coin banks and bird houses.

2. To have the capacity to act possessed by natural persons, but to have authority to perform only such acts as are necessary, convenient or expedient to ~~accomplish the purposes~~ for which it is formed, and such as are not repugnant to law.

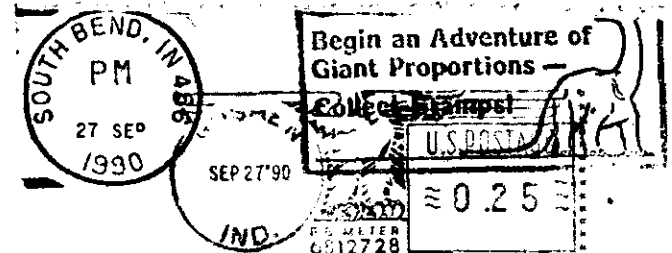
3. To acquire (by purchase, exchange, lease, hire or otherwise), hold, mortgage, pledge, hypothecate, exchange, sell, deal in and dispose of, alone or in syndicates or otherwise in conjunction with others, commodities and other personal property of every kind, character and description whatsoever and wheresoever situated, and any interest therein.

4. To acquire (by purchase, exchange, lease, hire or otherwise), hold, own, improve, manage, operate, lease as lessee, let as lessor, sell, convey or mortgage, either alone or in conjunction with others, real estate of every kind, character and description whatsoever and wheresoever situated, and any interest therein.

5. To act in any state, territory, or foreign country in which the Corporation is qualified to do business, as agent or representative for any individual, association, corporation, or legal entity, and respecting business which the Corporation is authorized to transact.

6. To enter into, make, perform and carry out, or cancel and rescind, contracts for any lawful purposes pertaining to its business.

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